

**STATE OF SOUTH CAROLINA**

Application of

Sage Telecom, Inc.

for a Certificate of Public Convenience and Necessity  
to Provide Resold and Facilities-Based Local  
Exchange and Interexchange Telecommunications  
Services in the State of South Carolina and for  
Flexible and Alternative Regulation

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

**COVER SHEET**

**DOCKET  
NUMBER:**

(Please type or print)

Submitted by: Bonnie D. Shealy

SC Bar Number: 11125

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)

- ☐ Emergency Relief demanded in petition      ☐ Request for item to be placed on Commission's Agenda expeditiously
- ☒ Other: Motion for Protective Treatment

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

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## Introduction

**In support of this Motion, the Applicant provides the following:**

***This document is an exact duplicate, with the exception of the form of the signature, of the e-filed copy submitted to the Commission in accordance with its electronic filing instructions.***

1. The exact legal name, address and telephone number of the Applicant is:

Sage Telecom, Inc.  
805 Central Expressway South, Suite 100  
Allen, Texas 75013-2789  
(214) 495-4700 (Tel)  
(214) 495-4790 (Fax)  
www.sagetelecom.net

2. Correspondence or communications regarding this Motion should be addressed to:

Bonnie D. Shealy, Esquire  
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Columbia, SC, 29202  
Tel: 803-779-8900  
Fax: 803-252-0724  
Email: bshealy@robinsonlaw.com

with a copy to

Catherine Wang  
Brett Ferencak  
Scott D. Woods  
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#### **I. Description of Confidential Information.**

3. The Application requires Sage to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits copies of its financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

## **II. Grounds for Claim of Confidentiality.**

4. Sage is presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, the financial statements attached as *Exhibit C* to the Application are not readily available to persons external to Sage.

5. Because the projected financial statements submitted by Sage in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, Sage seeks to protect such material from public disclosure. Sage derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact, the disclosure of this information could provide existing and potential competitors, including interexchange carriers ("IXCs") in South Carolina, as well as in other states in which Sage provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. Sage clarifies herein that its request for protection applies only to the documents attached as *Exhibit C* to the Application. Sage is not seeking protection of any type for those reports Sage is required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

### **CONCLUSION**

7. The audited financial information included in support of Sage's Application, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The

substantial and direct harm that could be caused to Sage as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required Sage to make this information available to the public. For all these reasons, the projected financial statements attached as *Exhibit C* to the Application should be protected from public disclosure by the Commission.

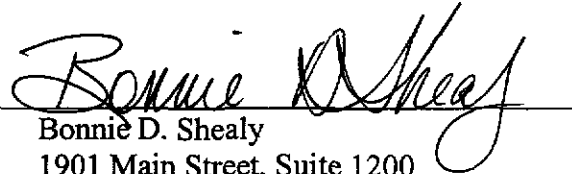
WHEREFORE, Sage respectfully request that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the audited financial statements attached as *Exhibit C* to the Application for Authority for Sage Telecom, Inc. to Provide Resold and Facilities-Based Local and Interexchange Telecommunications Services in the State of South Carolina and filed *under seal* as Confidential in this proceeding.

Dated this 13<sup>th</sup> day of September, 2007.

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.

By



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Attorneys for Sage Telecom, Inc.

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**APPLICATION OF SAGE TELECOM, INC.**

**EXHIBIT C**

**Financial Statement**

**CONFIDENTIAL & PROPRIETARY  
FILED UNDER SEAL**